

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MICHAEL JAMES ALDERMAN,  
  
Defendant.

NO. 2:15-cr-00038-JLQ

AMENDED PRELIMINARY ORDER  
OF FORFEITURE

On September 9, 2015, the court issued a Preliminary Order of Forfeiture (ECF No. 40). On December 9, 2015, the Government filed a Motion seeking to amend the Preliminary Order of Forfeiture. Pursuant to the contemporaneously issued Order granting the Government's Motion, the court hereby issues this Amended Preliminary Order of Forfeiture.

Defendant entered a plea of guilty to Count 1 of the Indictment charging Defendant with Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), on July 31, 2015. The court accepted the plea of guilty and the Fed.R.Crim.P. 11(c)(1)(C) Plea Agreement. Defendant was sentenced in accord with the Plea Agreement.

In the Plea Agreement (ECF No. 34) at Paragraph 13, Defendant agreed to forfeit all right, title, and interest in the following property: 1) Verizon 7" Tablet, Model HFS-QMV7A; 2) Compaq Presario Computer, Serial Number: MXF550091Y; and 3) LG Cell Phone, Serial Number: 407CYTB0713393. He agreed that he was the sole owner of the assets and that the assets are subject to forfeiture pursuant to 18 U.S.C. § 2253(a) and (b).

1 The court previously found, based on Defendant's agreement, that the assets are subject to  
2 forfeiture. Pursuant to Fed.R.Crim.P. 32.2(b)(4)(A) and (B), the original Preliminary  
3 Order of Forfeiture was final as to the Defendant at the time of sentencing and made part  
4 of the sentence and included in the judgment.

5 Upon issuance of the Amended Preliminary Order of Forfeiture and pursuant to  
6 Rule G(4)(a)(i) of the Supplemental Rules of Admiralty or Maritime Claims and Asset  
7 Forfeiture Actions, authorized under 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C.  
8 § 2253, and Fed.R.Crim.P. 32.2(b)(6)(c), the United States is not required to publish  
9 notice of this order because the forfeitable property is worth less than \$1,000.00.  
10 Defendant stipulated in the Plea Agreement that he is the sole owner of the assets and no  
11 one else has an interest in the assets; however, the United States shall provide direct notice  
12 to a potential claimant identified by the Federal Bureau of Investigation. If no timely  
13 claims are filed, the United States will file a motion for order declaring this Order to be  
14 final.

15 The United States shall have clear title to the above-listed assets following the  
16 court's disposition of any third-party claim, or if none, following the expiration of the  
17 period provided in Fed.R.Crim.P. 32.2(c)(2), Rule G(5), and 21 U.S.C. § 853(n) as  
18 incorporated by 18 U.S.C. § 2253, for the filing of third party petitions.

19 The court shall retain jurisdiction to enforce this Order, and to amend it as  
20 necessary, pursuant to Fed.R.Crim.P. 32.2(e).

21 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and furnish  
22 copies to counsel.

23 **DATED** this 10<sup>th</sup> day of December, 2015.

24 s/ Justin L. Quackenbush  
25 JUSTIN L. QUACKENBUSH  
26 SENIOR UNITED STATES DISTRICT JUDGE

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